



BRENDA MEADOWS PEACOCK

CLERK, CIRCUIT COURT
PIKE CO COURTHOUSE
120 W. CHURCH STREET
TROY, AL 36081
(334) 566-5113

FAX COVER SHEET

From: 334-807-0555

DATE: April 19, 2006

TO: Attorney General's Office

PLEASE DELIVER TO: Hense Ellis

FROM: Pike Co. Circuit Clerk

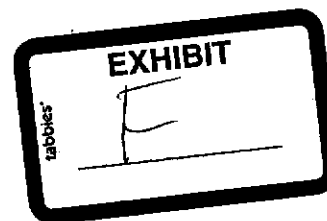
PAGE 1 OF

COMMENTS: Charles Kelvin Johns

CC 02-96 & 97-60 Rule 32

CAS, Order, Petition

IF YOU DID NOT RECEIVE ALL PAGES OF THIS TRANSMITTAL,
PLEASE CALL (334)566-5113 OR (334)566-4622.



JRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000096.60
PER: JOP CASE ACTION SUMMARY RUN DATE: 06/01/2005
AGE: 1 CIRCUIT CRIMINAL
=====

IN THE CIRCUIT COURT OF PIKE JUDGE: TEH
DATE OF ALABAMA VS JOHNS CHARLES KELVIN
VENTRESS CORR. 154434
ASE: CC 2002 000096.60 P.O. BOX 767
CLAYTON, AL 36016 0000

DOB: 07/29/1960 SEX: M RACE: B HT: 6 01 WT: 225 HR: BLK EYES: BRO
SN: 417940303 ALIAS NAMES: MYHAND CHARLES
=====

CHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001
FFENSE DATE: AGENCY/OFFICER:

ATE WAR/CAP ISS: DATE ARRESTED:
ATE INDICTED: DATE FILED: 05/26/2005
ATE RELEASED: DATE HEARING:
BOND AMOUNT: \$.00 SURETIES:

ATE 1: DESC: TIME: 0000
ATE 2: DESC: TIME: 0000

RACKING NOS: CC 2002 000096 00 / TYPE: TYPE:
DEF/ATY: 00000 00000

ROSECUTOR: MCALILEY GARY L

TH CSE: CC200200009600 CHK/TICKET NO: GRAND JURY:
COURT REPORTER: SID NO: 0000000000
EF STATUS: PRISON DEMAND: N OPER: JOP

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPR
06/01/2005	ASSIGNED TO: (TEH) (AR01)	JOP
06/01/2005	INITIAL STATUS SET TO: "P" - PRISON (AR01)	JOP
06/01/2005	FILED ON: 05/26/2005 (AR01)	JOP
06/01/2005	CHARGE 01: RULE 32-FELONY/#CNTS: 001 (AR01)	JOP
06/01/2005	CASE ACTION SUMMARY PRINTED (AR08)	JOP
6-1-05	Copy of Rule 32 to State	
6-14-05	Order for State to Respond w/ 30 days. DA, A	
6-30-05	At State request sent 2 nd copy of Rule 32 to State	
7-13-05	State Motion for Extension of Time	
7-15-05	Order giving State 30 days (additional) to respond. DA, Dept	
8-3-05	State Response to Rule 32	
10-13-05	Letter of Inquiry	
11-17-05	Copy CAS to Dept	
12-16-05	Order deny Rule 32 - DA, A	

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000097.60
 OPER: JOP CASE ACTION SUMMARY
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 06/01/2005
 IN THE CIRCUIT COURT OF PIKE JUDGE: TEH

STATE OF ALABAMA

VS

JOHNS CHARLES KELVIN
 VENTRESS CORR. 154434
 P.O. BOX 767
 CLAYTON, AL 36016 0000

CASE: CC 2002 000097.60

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 SSN: 417940303 ALIAS NAMES: MYHAND CHARLES
 CHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001
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 BOND AMOUNT:

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 DATE HEARING:
 SURETIES:

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DATE 1:
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TIME: 0000
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TRACKING NOS: CC 2002 000096 00 /

DEF/ATY:

TYPE:

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PROSECUTOR: MCALILEY GARY L

OTH CSE: CC200200009600 CHK/TICKET NO: GRAND JURY:
 COURT REPORTER: SID NO: 000000000
 DEF STATUS: PRISON DEMAND: N OPER: JOP

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPR
06/01/2005	ASSIGNED TO: (TEH) THOMAS E HEAD (AR01)	JOP
06/01/2005	INITIAL STATUS SET TO: "P" - PRISON (AR01)	JOP
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12-16-05	Order denying Rule 32 - DA, A	

IN THE CIRCUIT COURT OF PIKE COUNTY, ALABAMA

STATE OF ALABAMA,

PLAINTIFF,

VS.

CHARLES K. JOHNS,

DEFENDANT.

CASE NOS. CC-2002-96

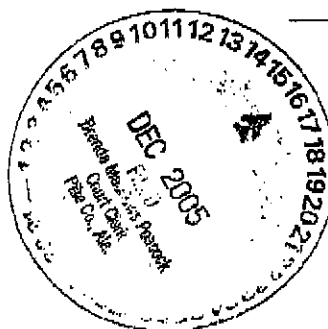
CC-2002-97

ORDER

This cause being submitted upon Defendant's petition for relief from conviction or sentence pursuant to Rule 32, A.R.Cr.P., and the Court having considered the same, as well as the State's response in opposition, and finding that said petition is both precluded under the operative provisions of said rule and that the allegation of ineffective assistance of counsel is without factual merit, it is hereby;

ORDERED AND ADJUDGED that the petition of Charles K. Johns for relief of conviction or sentence is denied.

DONE THIS THE 15th day of December, 2005.



Thomas E. Head, III
CIRCUIT JUDGE

DA
D

PETITION FOR RELIEF FROM CONVICTION OR SENTENCE

(Pursuant to Rule 32,

Alabama Rules of Criminal Procedure)

Case Number

02 02 - 96-97
ID YR NUMBER

IN THE CIRCUIT COURT OF PIKE COUNTY ALABAMA

CHARLES KEVIN JOHNS vs. STATE OF ALABAMA
Petitioner (Full Name) Respondent

(Indicate either the "State" or,
if filed in municipal court, the
name of the "Municipality")

VENTRESS CORRECTIONAL FACILITY
P. O. BOX 767
CLAYTON, AL 36016

Prison Number 154434 Place of ConfinementCounty of conviction PIKE

NOTICE: BEFORE COMPLETING THIS FORM, READ CAREFULLY
THE ACCOMPANYING INSTRUCTIONS.

1. Name and location (city and county) of court which entered the judgment of conviction
or sentence under attack TRON, ALABAMA

PIKE2. Date of judgment of conviction: MARCH 13, 20033. Length of sentence LIFE -- PLUS SIX MONTHS IN THE COUNTY JAIL

4. Nature of offense involved (all counts) KIDNAPPING, SECOND DEGREE, AND CARRYING A
PERCEIVED WEAPON (MCDERMOTT)

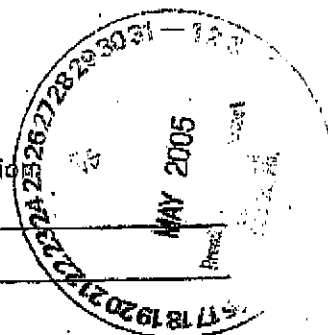
5. What was your plea? (Check one)

(a) Guilty

(b) Not guilty ☒

(c) Not guilty by reason of mental disease or defect

by reason of mental disease or defect



6. Kind of trial: (Check one)

(a) Jury ☒ (b) Judge only ☐

7. Did you testify at the trial?

Yes ☒ No ☐

8. Did you appeal from the judgment of conviction?

Yes ☒ No ☐

9. If you did appeal, answer the following:

(a) As to the state court to which you first appealed, give the following information:

(1) Name of court ALABAMA COURT OF CRIMINAL APPEALS

(2) Result CONVICTED APPEALED

(3) Date of result JANUARY 23, 2004

(b) If you appealed to any other court, then as to the second court to which you appealed, give the following information:

(1) Name of court ALABAMA SUPREME COURT

(2) Result PETITION FOR WRIT OF HABEAS CORPUS DENIED

(3) Date of result MAY 14, 2004

(c) If you appealed to any other court, then as to the third court to which you appealed, give the following information: N/A

(1) Name of court _____

(2) Result _____

(3) Date of result _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, application: ☒ motions with respect to this judgment in any court, state or federal?

Yes _____ No ☒

11. If your answer to Question 10 was "yes", then give the following information in regard to the first such petition, application, or motion you filed: ☒ A

(a) (1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion? ☒ A

Yes _____ No _____

(5) Result _____

(6) Date of result _____

(b) As to any second petition, application, or motion, give the same information: ☒ A

(1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion? ☒ A

Yes _____ No _____

(5) Result _____

(6) Date of result _____

(c) As to any third petition, application, or motion, give the same information (attach additional sheets giving the same information for any subsequent petitions, applications, or motions): ☒ A

(1) Name of court _____

(3) Grounds raised _____

(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion? N/A

Yes _____

No _____

(5) Result _____

(6) Date of result _____

(d) Did you appeal to any appellate court the result of the action taken on any petition, application, or motion? N/A

(1) First petition, etc. Yes _____

No _____

(2) Second petition, etc. Yes _____

No _____

(2) Third petition, etc. Yes _____

No _____

ATTACH ADDITIONAL SHEETS GIVING THE SAME INFORMATION
FOR ANY SUBSEQUENT PETITIONS, APPLICATIONS, OR MOTIONS.

(e) If you did not appeal when you lost on any petition, application, or motion, explain briefly why you did not

12. Specify every ground on which you claim that you are being held unlawfully, by placing a check mark on the appropriate line(s) below and providing the required information. Include all facts. If necessary, you may attach pages stating additional grounds and the facts supporting them.

GROUND(S) OF PETITION

Listed below are the possible grounds for relief under Rule 32. Check the ground(s) that apply in your case, and follow the instruction under the ground(s):

- * A The Constitution of the United States or of the State of Alabama requires a new trial, a new sentence proceeding, or other relief.

For your information, the following is a list of the most frequently raised claims of constitutional violation:

- (1) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (2) Conviction obtained by use of coerced confession.
- (3) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- ~~(4) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.~~
- (5) Conviction obtained by a violation of the privilege against self-incrimination.
- (6) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (7) Conviction obtained by a violation of the protection against double jeopardy.
- (8) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- ☒ (9) Denial of effective assistance of counsel.

This list is not a complete listing of all possible constitutional violations.

If you checked this ground of relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each constitutional violation that you claim, whether or not it is one of the nine listed above, and include under it each and every fact you feel supports this claim. Be specific and give details.

☒ B. The court was without jurisdiction to render the judgment or to impose the sentence.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

☒ C. The sentence imposed exceeds the maximum authorized by law, or is otherwise not authorized by law.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

D. Petitioner is being held in custody after his sentence has expired.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

E. Newly discovered material facts exist which require that the conviction or sentence be vacated by the court, because:

The facts relied upon were not known by petitioner or petitioner's counsel at the time of trial or sentencing or in time to file a post-trial motion pursuant to rule 24, or in time to be included in any previous collateral proceeding, and could not have been discovered by any of those times through the exercise of reasonable diligence; and

The facts are not merely cumulative to other facts that were known; and

The facts do not merely amount to impeachment evidence; and

If the facts had been known at the time of trial or sentencing, the result would probably have been different; and

The facts establish that petitioner is innocent of the crime for which he was convicted or should not have received the sentence that he did.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

F. The petitioner failed to appeal within the prescribed time and that failure was without fault on petitioner's part.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

13. IMPORTANT NOTICE REGARDING ADDITIONAL PETITIONS RULE 32.2(b) LIMITS YOU TO ONLY ONE PETITION IN MOST CIRCUMSTANCES. IT PROVIDES:

"Successive Petitions. The court shall not grant relief on a second or successive petition on the same or similar grounds on behalf of the same petitioner. A second or successive petition on different grounds shall be denied unless the petitioner shows both that good cause exist why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and that failure to entertain the petition will result in a miscarriage of justice."

A. Other than an appeal to the Alabama Court of Criminal Appeals or the Alabama Supreme Court, have you filed in state court any petition attacking this conviction or sentence?

Yes _____ No *

B. If you checked "Yes," give the following information as to earlier petition attacking this conviction or sentence:

(a) Name of court _____

(b) Result _____

(c) Date of result _____
(attach additional sheets if necessary)

C. If you checked the "Yes" line in 13A, above, and this petition contains a different ground or grounds of relief from an earlier petition or petitions you filed, attach a separate sheet or sheets labeled: "EXPLANATION FOR NEW GROUND(S) OF RELIEF."

On the separate sheet(s) explain why "good cause exists why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and [why the] failure to entertain [this] petition will result in a miscarriage of justice."

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes _____ No *

* GROUNDS OF PETITION *

(A) THE CONSTITUTION OF THE UNITED STATES, OR OF THE STATE OF ALABAMA REQUIRES A NEW TRIAL, A NEW SENTENCE PROCEEDINGS, OR OTHER RELIEF IF:

(a) THE PETITIONER WAS DENIED EFFECTIVE ASSISTANCE OF COUNSEL.

(B) THE COURT WAS WITHOUT JURISDICTION TO RENDER THE JUDGMENT OR TO IMPOSE THE SENTENCE.

(C) THE SENTENCE IMPOSED EXCEEDS THE MAXIMUM AUTHORIZED BY LAW, OR IS OTHERWISE NOT AUTHORIZED BY LAW.

(F) DUE PROCESS OF LAW VIOLATIONS OF THE UNITED STATES CONSTITUTION EXIST.

* FACTS AND ARGUMENT IN SUPPORT OF GROUNDS *

THE STANDARD FOR DETERMINING WHETHER THE SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL HAS BEEN VIOLATED WAS SET FORTH BY THE SUPREME COURT IN STRICKLAND V. WASHINGTON, 466 U.S. 668, 104 S. CT. 2052, 80 L. ED. 2D 674 (1984).

THE DEFENDANT MUST PROVE BOTH PARTS OF A TWO PRONGED TEST: (1) THE DEFENDANT MUST SHOW THAT COUNSEL'S REPRESENTATION FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS; AND (2) THAT THOSE DEFICIENCIES RESULTED IN PREJUDICE TO THE DEFENSE.

AN ATTORNEY HAS A DUTY TO "BRING TO BEAR SUCH SKILL AND KNOWLEDGE AS WILL RENDER THE TRIAL A RELIABLE ADVERSARIAL TESTING PROCESS." STRICKLAND CITING POWELL V. ALABAMA, 287 U.S. 68, 53 S. CT. 63, 77 L. ED. 158 (1932). THE COURT MUST DETERMINE " [I]N LIGHT OF ALL THE CIRCUMSTANCES, THAT THE IDENTIFIED ACTS OR OMISSIONS WERE OUTSIDE THE WIDE RANGE OF PROFESSIONALLY COMPETENT ASSISTANCE.

IN MAKING THAT DETERMINATION, THE COURT SHOULD KEEP IN MIND THAT COUNSEL'S FUNCTION, AS ELABORATED IN THE PREVAILING PROFESSIONAL NORM IS TO MAKE THE ADVERSARIAL TESTING PROCESS WORK IN THAT PARTICULAR CASE". STRICKLAND AT 690.

TO EXPLAIN THE SECOND PRONG OF STRICKLAND, THE COURT STATED THAT THE QUESTION IS WHETHER "THERE IS A REASONABLE PROBABILITY THAT, BUT FOR COUNSEL'S UNPROFESSIONAL ERRORS, THE RESULT OF THE PROCEEDING WOULD HAVE BEEN DIFFERENT. A REASONABLE PROBABILITY IS A PROBABILITY SUFFICIENT TO UNDERMINE CONFIDENCE IN THE OUTCOME". STRICKLAND AT 694.

FOLLOWING HIS JANUARY 14, 2002 ARREST, CHARLES KENIN JONES APPEARED IN COFFEE COUNTY DISTRICT COURT AND WAS ARRAIGNED ON CHARGES OF KIDNAPPING, FIRST DEGREE, AND, CARRYING A CONCEALED WEAPON. A COPY OF THE ORDER ISSUED IN REGARD TO SAME IS ATTACHED HERETO AS EXHIBIT "A".

ALTHOUGH EXHIBIT "A", AT LINE "3" ASSERTS THAT THE PETITIONER WAS INFORMED THAT HE WAS RIGHTFULLY ENTITLED TO AN ATTORNEY AND PROVIDED WITH HARDSHIP AFFIDAVIT. THIS IS UNTRUE, AS DURING THE HEARING PETITIONER WAS MERELY INFORMED OF THE CHARGES AGAINST HIM AND THE AMOUNT OF HIS BOND BEFORE BEING TAKEN BACK TO JAIL.

WITHIN A FEW DAYS OF PETITIONER'S ARREST, THOMAS K. BRANTLEY, ATTORNEY AT LAW, WAS RETAINED BY HIS WIFE TO REPRESENT HIM IN THIS MATTER. PLEASE SEE AFFIDAVIT OF CHARLENE JONES ATTACHED HERETO. APPROXIMATELY TWO WEEKS AFTER BEING RETAINED, MR. BRANTLEY VISITED PETITIONER AT THE JAIL FOR THE FIRST TIME, WHERE CHARGES WERE DISCUSSED, ALONG WITH THE PREVIOUS CONSPIRATORIAL ACTIONS OF THE THEFT OF PETITIONER'S PROPERTY THAT HAD INITIATED THE WHOLE SCENARIO OF PETITIONER'S ARREST.

PETITIONER INFORMED COUNSEL THAT, AT THE TIME OF HIS DEATH, HIS FATHER, THOMAS K. JONES, OWNED REAL ESTATE, WHICH HE (THE PETITIONER), ALONG WITH HIS BROTHERS AND SISTERS, HAD BEEN ATTEMPTING TO HAVE PROBATED. THAT THE TROUBLE HAD BEGAN SOME YEARS BEFORE WHEN THE PETITIONER HAD ATTEMPTED TO SECURE A LOAN IN ORDER TO HAVE HIS HOME REMODELED. WHEN THE PETITIONER WAS UNABLE TO DO SO BECAUSE THE PROPERTY HAD NOT BEEN PROBATED.

PETITIONER THEN HIRED ATTORNEY KEITH WATKINS WHO PREPARED A QUIT CLAIM DEED WHICH WAS SIGNED BY THE OTHER MEMBERS OF PETITIONER'S FAMILY, CONVEYING TITLE OF THE PROPERTY TO PETITIONER. THE DEED IS ATTACHED HERETO AS EXHIBIT "B". MR. WATKINS WAS ALSO TO HAVE THE PROPERTY PROBATED.

SEVERAL YEARS LATER, WHEN PETITIONER ATTEMPTED TO HAVE HIS LAND SURVEYED, IT BECAME APPARENT THAT THE PROPERTY HAD NEVER BEEN PROBATED.

IT ALSO BECAME APPARENT TO PETITIONER, THAT HE AND HIS FAMILY HAD INHERITED MORE PROPERTY THAN THAT OF WHICH THEY WERE AWARE OF. A TRIP TO THE PROBATE CLERK'S OFFICE WAS IN VAIN, AS THE CLERK REFUSED TO PROVIDE PETITIONER WITH COPIES OF RECORDS RELATING TO ANY PROPERTY OWNED BY HIS DECEASED FATHER.

THIS PROMPTED THE PETITIONER, ALONG WITH OTHER FAMILY MEMBERS, TO HIRE ATTORNEY JULIAN McPHILLIPS, TO CONDUCT A TITLE SEARCH OF PROBATE RECORDS AT THE PIKE COUNTY COURTHOUSE. EMBARKING UPON THE SEARCH, MR. McPHILLIPS, AT FIRST, BEGAN TO REPORT TO PETITIONER THAT HE HAD UNCOVERED SOME VERY PECULIAR DISCREPANCIES IN THE RECORDS PERTAINING TO THE PROPERTIES IN WHICH BELONGED TO HIS FATHER. HOWEVER, HE OFFERED NO DOCUMENTATION, AND AS TIME PASSED, THE PERIODS BETWEEN REPORTS BECAME LONGER. DOCUMENTATION WAS FURTHER PROMISED AT A LATER DATE, BUT HE EVENTUALLY BECAME VERY EVASIVELY VAGUE ABOUT HIS DISCOVERIES.

DURING THIS PERIOD OF TIME, THE PETITIONER HAD BEGUN A BUSINESS IN REQUIRING EQUIPMENT AND WAS EXPERIENCING DIFFICULTIES WITH FINANCIAL OBLIGATIONS. THIS AGAIN PROMPTED SEVERAL MORE FUTILE TRIPS TO THE PROBATE OFFICE WITH NO SUCCESS. PETITIONER EVENTUALLY BEGAN TO RELY ON HIS WIFE'S INCOME. SEE ATTACHED AFFIDAVIT OF MRS. CHARLENE JOHNS.

PETITIONER, FURTHER INFORMED OF THE EVENT AT THE COURTHOUSE BY COUNSEL, THAT IN NO WAY DID IT WARRANT KIDNAPPING IN THE FIRST DEGREE.

COUNSEL TOLD PETITIONER THAT HIS ACTIONS ONLY WARRANTED RECKLESS ENLARGEMENT, WHICH IS DEFINED BY § 13A-6-24, CODE 1975, AS: "(A) A PERSON COMMITS THE CRIME OF RECKLESS ENLARGEMENT IF HE RECKLESSLY ENGAGES IN CONDUCT WHICH CREATES A SUBSTANTIAL RISK OF SERIOUS PHYSICAL INJURY TO ANOTHER PERSON." (B) RECKLESS ENLARGEMENT IS A CLASS-A MISDEMEANOR."

OR, MENACING, WHICH IS DEFINED BY § 13A-6-23, CODE, 1975, AS: "(A) A PERSON COMMITS THE CRIME OF MENACING IF, BY PHYSICAL ACTION, HE INTENTIONALLY PLACES OR ATTEMPTS TO PLACE ANOTHER PERSON IN FEAR OF IMMINENT SERIOUS PHYSICAL INJURY." (B) MENACING IS A CLASS A MISDEMEANOR."

THOUGH AWARE OF PETITIONER'S VERSION OF THE INCIDENT, AND WELL AWARE THAT HE HAD BEEN ERRONEOUSLY CHARGED, MR. BRANTLEY FAILED TO CHALLENGE THE ARREST WARRANT, AND ITS SUPPORTING AFFIDAVIT. COPIES OF SAME HAVE BEEN ATTACHED HERETO AS EXHIBIT "2".

MR. BRANTLEY, AS A LICENSED PRACTICING ATTORNEY, WAS WELL AWARE THAT:

"AFFIDAVITS WHICH CONSIST SOLELY OF THE AFFIANTS CONCLUSION THAT THE NAMED INDIVIDUAL COMMITTED AN OFFENSE, WITHOUT SETTING FORTH THE FACTS UPON WHICH THE CONCLUSION IS BASED, ARE FATALLY DEFECTIVE." CRITTENDEN V. STATE, 476 So. 2d 632 (ALA. 1985), CERT. DENIED, 475 U.S. 1031, 106 S. CT. 1239, 89 L. Ed. 2d 347 (1986).

THIS AFFIDAVIT IS BASED SOLELY ON CONCLUSIONS, THUS FATALLY DEFECTIVE. AN ATTACK ON SAME BY COUNSEL, WOULD HAVE RESULTED IN ITS DISMISSAL, AND PETITIONER'S RELEASE FROM CUSTODY. OR IN THE EVENT OF A RULING ADVERSE TO THE PETITIONER, THE TRIAL COURT COULD HAVE BEEN PLACED IN ERROR ON APPEAL. AS A DIRECT RESULT OF COUNSEL'S FAILURE TO ATTACK THE WARRANT AND AFFIDAVIT IN THE MANNER SET OUT HERE, PETITIONER REMAINS TO DATE IN CUSTODY.

COUNSEL, ALTHOUGH HE FILED A MOTION SEEKING A PRELIMINARY HEARING, (EXHIBIT "D"), ALLOWED SAME TO BE CONTINUED (EXHIBIT "E"), UNTIL PROSECUTORS HAD A CHANCE TO HAVE AN INDICTMENT RETURNED AGAINST PETITIONER (EXHIBIT "F").

THE RETURNED INDICTMENT WAS FOR KIDNAPPING, FIRST DEGREE, AND WAS ALSO A PROCEEDING IN WHICH JUDGE ROBERT BARR PRESIDED. IT IS EVIDENT THAT THIS POSTED A VERY REAL AND SERIOUS CONFLICT OF INTEREST, AND IS IN SEVERE VIOLATION OF JUDICIAL ETHICS.

PETITIONER HAS SINCE LEARNED THAT ROBERT BARR, AS RIGHTFUL HEIR TO H.S. BARR, IS, AND/OR MAY BE INVOLVED IN A CONSPIRACY, ALONG WITH THE BRUNNIDGE ALABAMA MAYOR, JAMES T. RAMMAGE, III, TO DEPRIVE THE PETITIONER OF HIS RIGHTFUL HEIRSHIP OF HIS DECEASED FATHER'S REAL ESTATE PROPERTIES LOCATED IN OR AROUND BRUNNIDGE, ALABAMA.

PETITIONER ASSERTS THAT THIS ALONE IS SUBSTANTIAL GROUNDS TO RENDER THE INDICTMENT NULL AND VOID, AND THEREFORE UNCONSTITUTIONAL.

THE INDICTMENT FOR KIDNAPPING, FIRST DEGREE, WAS OBTAINED THROUGH PERJURED TESTIMONY FAISIFIED IN ANTICIPATION OF RENDERING THE ILLEGAL INDICTMENT, OR MISREADING OF THE STATUTE UPON WHICH IT WAS OBTAINED.

PETITIONER CONCLUDED FROM THE RECORD AT TRIAL OF THE SWORN ORAL TESTIMONY OF THE ALLEGED VICTIM, THE STATES WITNESSES, AND ALSO STATUTE § 13A-6-43 SUBSECTION (B), THAT THE INDICTMENT COULD NOT BE OBTAINED / RETURNED FOR KIDNAPPING, FIRST DEGREE. § 13A-6-43 (B) PROHIBITS PETITIONER'S CONVICTION, § 13A-6-43, CODE, 1975, READS PERTINENT IN PART:

(B) "A PERSON DOES NOT COMMIT THE CRIME OF KIDNAPPING IN THE FIRST DEGREE IF HE VOLUNTARILY RELEASES THE VICTIM ALIVE, AND NOT SUFFERING FROM SERIOUS PHYSICAL INJURY, IN A SAFE PLACE PRIOR TO APPREHENSION. THE BURDEN OF PROVEING THE ISSUE OF VOLUNTARY SAFE RELEASE IS ON THE DEFENDANT, BUT THIS DOES NOT SHIFT THE BURDEN OF PROOF. THIS SUBSECTION DOES NOT APPLY TO A PROSECUTION FOR, OR PRECLUDE A CONVICTION OF KIDNAPPING IN THE SECOND DEGREE OR ANY OTHER CRIME."

THERE WAS NO INCIDENT REPORT, ARREST REPORT OF INCIDENT, SUBV. AFFIDAVIT, OR ANY OTHER WRITTEN, OR RECORDED STATEMENTS OF WITNESSES, PETITIONER, OR VICTIM EVER PROVIDED OR PRODUCED, LEAVING ONE ALTERNATIVE, INDICTMENT WAS OBTAINED SOLELY ON PERJURED TESTIMONY PRESENTED TO THE GRAND JURY.

THIS MISCONDUCT RESULTED IN AN ILLEGALLY OBTAINED INDICTMENT, FOR THE SOLE PURPOSE FOR THE MANDATORY MISUSE OF JURY INSTRUCTION OF THE LESSER INCLUDED OFFENSE OF SECOND DEGREE KIDNAPPING. THEREFORE, EXCLUDING THE POSSIBILITY OF THE LESSER INCLUDED OFFENSE OF UNLAWFUL IMPRISONMENT WHERE HE INDICTED ON SECOND DEGREE KIDNAPPING.

AN INDIVIDUAL CHARGED WITH KIDNAPPING, FIRST DEGREE, BY STATUTE, THE LESSER INCLUDED OFFENSE OF KIDNAPPING, SECOND DEGREE, MUST BE GIVEN AS INSTRUCTION TO JURY AT TRIAL BY COURT.

AN INDIVIDUAL CHARGED WITH KIDNAPPING, SECOND DEGREE, BY STATUTE, THE LESSER INCLUDED OFFENSE OF UNLAWFUL IMPRISONMENT, WHICH IS A CLASS A MISDEMEANOR, MUST BE GIVEN AS INSTRUCTION TO JURY AT TRIAL BY SENTENCING COURT.

THIS SUBSECTION DOES NOT PREVENT A CONVICTION BASED UPON INDICTMENT OF SECOND DEGREE KIDNAPPING. HOWEVER, THIS SUBSECTION DOES, IN FACT, PREVENT A CONVICTION OF KIDNAPPING, FIRST DEGREE, AS IN THE INSTANT CASE AT HAND.

THEREFORE, GOVERNMENT MISCONDUCT CAN ONLY BE DETERMINED AS THEORY FOR OBTAINING AN INDICTMENT FOR A CRIME IN WHICH THE LAW PROHIBITS A CONVICTION THEREOF AS IN PETITIONER'S INSTANT CASE.

PETITIONER CONCLUDES THAT THE REASONING BEHIND THIS THEORY WAS TO IN FACT, ASSURE A CONVICTION FOR THE HARSHTEST CRIME POSSIBLE FOR HIS ACTIONS RATHER THAN THE ACTUAL SEVERITY IN WHICH HE WAS GUILTY.

PETITIONER STRONGLY AVER'S THAT THIS WAS A PRECONCEIVED STRATEGIC MANUEVER BY THE TRULY UNETHICAL PRACTICE ON THE PROSECUTION'S BEHALF. THUS, DEPRIVING THE PETITIONER UNCONSTITUTIONALLY OF HIS PROPERTY. THE CONCEPT OF LIFE IMPRISONMENT BEING PROBABLE, AND FURTHERMORE BEING IMPOSED. THIS CONCEPT BEING BASED SOLELY UPON THE PETITIONER'S PREVIOUS FELONY CONVICTIONS FOR ENHANCEMENT OF THE SECOND DEGREE CONVICTION. THEREFORE EXCLUDING THE INDICTMENT OF KIDNAPPING. SECOND DEGREE TO ALLENATE THE LESSER INCLUDED OFFENSE OF UNLAWFUL IMPRISONMENT. THUS BEING A CLASS-A MISDEMEANOR.

THE FORMULATION OF AN ONGOING CONSPIRACY BECAME MORE EVIDENT WITH THE PROGRESSION OF THE PROCEEDING, AND EVOLVED INTO PRIMA-FACIE WHEN DEFENSE COUNSEL PROFESSED THE STATE'S PLEA OFFER OF FIFTEEN YEARS WITH THE RELINQUISHMENT OF HALF OF PETITIONER'S PROPERTIES BEING A STIPULATION OF THE PLEA. THE AMOUNT OF PROPERTY IN QUESTION BEING APPROXIMATELY TEN-THOUSAND (10,000) ACRES. THIS AMOUNT BEING UNKNOWNST TO PETITIONER UNTIL THIS STAGE OF THE PROCEEDING.

COUNSELOR, BRANTLEY, FURTHER EXPLAINED THAT THE CONSPIRATOR'S IN QUESTION WERE IN FACT THE "HONORABLE" JUDGE, ROBERT BARR, AND THE CITY OF BRUNSDIDGE MAYOR, JAMES RAMMAGE, III.

ATTORNEY BRANTLEY FURTHER STATED THAT DUE TO THE UNUSUAL CIRCUMSTANCE INVOLVED, AND THE POSSIBILITY OF EVENTUAL SOCIETY PERSPECTIVE THAT HE, MR BRANTLEY'S INTENTION'S WERE TO WITHDRAW IF PETITIONER ACCEPTED SAID PLEA OFFER.

PETITIONER ASSERTS THAT THE MANDATORY REQUIREMENT TO DISCLOSE ALL UNETHICAL ACTIVITIES PURSUANT TO THE SWORN OATH PLEDGE OF OFFICE IS NOT ONLY PERTINENT TO JUDICIAL AUTHORITY. IT IS PERTINENT TO ALL MEMBERS OF PUBLIC OFFICIAL'S.

COUNSELOR BRANTLEY'S PERFORMANCE NOT ONLY FELL BELOW A REASONABLE STANDARD, HE ALSO VIOLATED THE SWORN OATH ETHICS STANDARD BY FAILING TO DISCLOSE SUCH CONSPIRATORIAL MISCONDUCT OF JUDICIAL ETHIC.

PETITIONER'S BEST INTERESTS WERE CERTAINLY NOT CONSIDERED UPON FAILING TO CONTEST AN ILLEGALLY OBTAINED INDICTMENT, AND FAILING TO DISCLOSE THE CONSPIRATORIAL ACTIONS OF THE JUDICIAL AUTHORITIES

WHOM UTILIZE PUBLIC OFFICE AUTHORITY FOR PERSONAL MONETARY GAINS.

THE UNETHICAL ACTIONS DISPLAYED BY COUNSELOR BRANTLEY PROJECTS A CLEAR PICTURE OF ADHERENCE TO THE BEST INTEREST OF THE STATE AS OPPOSED TO A DEFENSE FOR THE PETITIONER.

THIS, COUPLED WITH THE FACT THAT COUNSELOR BRANTLEY FAILED TO MAKE ANY ATTEMPT TO LOCATE ANY OF THE NUMBER OF WITNESSES WHOM WERE PRESENT DURING THE INCIDENT THAT PETITIONER HAD REQUESTED CONSTITUTES FAILURE TO CONDUCT AN ADEQUATE INVESTIGATION.

IN DAVIS V. ALABAMA, 396 F.2D 124 (5TH CIR 1979), THE FIFTH CIRCUIT COURT OF APPEALS HELD THAT "[I]T IS THE DUTY OF THE LAWYER TO CONDUCT A PROMPT INVESTIGATION OF THE CIRCUMSTANCES OF THE CASE AND EXPLORE ALL AVENUES LEADING TO FACTS RELATIVE TO GUILT, AND TO A DEGREE OF GUILT OR PENALTY." AMERICAN BAR ASSOCIATION PROJECT ON STANDARDS FOR CRIMINAL JUSTICE, STANDARDS RELATING TO THE PROSECUTION FUNCTION AND THE DEFENSE FUNCTION, SECTION 401 TENTATIVE DRAFT 1970.

PETITIONER ASSERTS THAT COUNSEL'S ACTIONS WERE WELL BELOW REQUIRED STANDARDS AS SET OUT HEREIN WHICH DEPRIVED PETITIONER OF THE EFFECTIVE ASSISTANCE OF COUNSEL TO WHICH HE IS ENTITLED UNDER THE UNITED STATES CONSTITUTION, UNDER THE SIXTH AMENDMENT.

MR. BRANTLEY ALSO REPRESENTED PETITIONER ON APPEAL. PETITIONER WOULD ASSERT THAT COUNSEL'S SOLE PURPOSE IN DOING SO WAS TO COVER HIS MISTAKES AND PACIFY PETITIONER FOR AS LONG AS POSSIBLE.

MOST IMPORTANTLY, COUNSEL WAS ONLY ABLE TO RAISE ONE (1) ISSUE ON APPEAL. AS TO RAISE ANY OTHER ISSUE WOULD HAVE BEEN TO RAISE THE INEFFECTIVE ASSISTANCE OF COUNSEL AGAINST HIMSELF AS HAS BEEN SHOWN HEREIN.

THUS, PETITIONER WAS DENIED A MEANINGFUL APPEAL AS WELL AS THE PREJUDICED TRIAL. THEREFORE, PETITIONER REMAINS IN PRISON WHERE HE IS UNABLE TO RETAIN WHAT IS RIGHTFULLY AND 14L CONSTITUTIONALLY HIS. "LIFE, LIBERTY, OR PROPERTY".

WHEREFORE, PETITIONER PRAYS THIS COURT MAKE ANY/ALL DECISIONS IN LIGHT OF JUSTICE TO AVOID FURTHER ADHERENCE TO HIGHER COURT AUTHORITY....

* COUNTY OF BARBOUR *
* STATE OF ALABAMA *

DATE : MAY 13, 2005

* AFFIDAVIT *

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE AT LARGE, PERSONALLY APPEARED CHARLES JOHNS, WHOM BEING FIRST DULY SWORN IN ACCORD WITH LAW DID DEPOSE AND STATE AS FOLLOWS:

(1) MY NAME IS CHARLES JOHNS, I AM OVER THE AGE OF TWENTY ONE (21) AND BOTH COMPETENT AS WELL AS WILLING TO TESTIFY TO THE FACTS CONTAINED HEREIN THIS DEPOSITION.

(2) UPON INITIAL CONSULTATION WITH THOMAS K. BRANTLEY (BRADHO), AND DISCUSSING THE FACTS OF THE INCIDENT IN WHICH I WAS ARRESTED, MR BRANTLEY GUARANTEED ME THAT THE STATE'S CHARGE OF KIDNAPPING IN THE FIRST DEGREE WAS NOT ONLY ERRONEOUS, AND FRIVOLOUS, BUT WAS ALSO REDICULOUS DUE TO THE FACT THAT THE ALLEGED VICTIM INVOLVED WAS VOLUNTARILY RELEASED WITHOUT INJURY IN A SAFE PLACE PRIOR TO MY VOLUNTARY SURRENDER.

(3) UPON OBTAINING THE ORIGINAL AFFIDAVIT AND COMPLAINT AND REVIEWING SUCH, MR BRANTLEY FAILED TO CHALLENGE THE CHARGE OF KIDNAPPING IN THE FIRST DEGREE KNOWING THE ACTIONS INVOLVED IN THE OCCURRENCE IN NO WAY WARRANTED SUCH AN OFFENSE.

(4) ALTHOUGH I WENT INTO EXPLICIT DETAIL EXPLAINING TO MR. BRANTLEY THE CONSPIRATORIAL ACTIONS INVOLVED, IN WHICH INVOLVED NUMEROUS PARTICIPANTS OF THE STATE EMPLOYEE'S, STATES WITNESSES, DIRECTLY AND INDIRECTLY INVOLVED IN THE SCHEME TO DEFAUD ME OF MY PROPERTIES THAT THIS INCIDENT STEMMED FROM, MR BRANTLEY STILL FAILED TO CHALLENGE THE AFFIDAVIT, COMPLAINT, OR THE INDICTMENT, WITH ALL OF THE PRIMA FACIE EVIDENCE INDICATING THE MONETARY GAINS REaped BY SAID PARTICIPANTS.

(5) AFTER THE RETURN OF INDICTMENT AND PRECEEDING JURY EMPANELMENT AND THE PROCEEDINGS OF TRIAL, MR. BRANTLEY APPROACHED ME WITH AN OFFER OF A PLEA AGREEMENT FROM JUDICIAL AUTHORITIES OF FIFTEEN YEARS IF I AGREED TO RELINQUISH HALF OF THE PROPERTIES IN QUESTION TO THE CONSPIRATORIAL PARTIES I HAVE REFERRED TO PREVIOUSLY.

(6) THEREFORE, IN LIGHT OF ALL OF THE PREOCCURRED INCIDENTS IN WHICH INITIATED THIS CHARGE I WAS ILLEGALLY INDICATED FOR, NOT ONLY WERE THE ORIGINAL PARTIES OF THE THEFT BY DECEPTION GUILTY, ALL PARTIES INVOLVED IN THE ILLEGAL CHARGE, AND INDICTMENT, ALONG WITH THE PROSECUTOR AND THE SELECTIVELY PICKED WITNESSES WHO FAISELY TESTIFIED UNDER OATH AT THE GRAND JURY HEARING WERE ALSO GUILTY, ALONG WITH REPRESENTING COUNSEL MR. BRANTLEY, FOR ALLOWING SUCH A "TRAVESTY OF JUSTICE" OCCUR IN THE MIDDLE OF THIS "JUDICIAL MISCONDUCT" OF A PROCEEDING.

* SWORN OATH *

I, CHARLES JOHNS, DO HEREBY SWEAR / AFFIRM UNDER PENALTIES OF PERJURY, THAT THE FACTS SET FORTH IN THE ABOVE WRITTEN AFFIDAVIT ARE TRUE AND CORRECT.

AFFIANT: Charles Johns
CHARLES JOHNS.

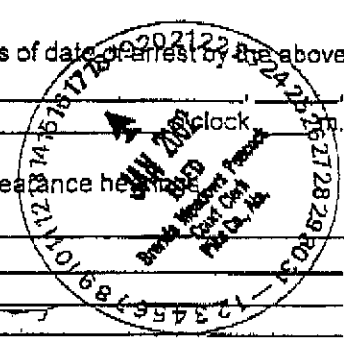
* CERTIFICATE OF SERVICE *

I HEREBY CERTIFY THAT I HAVE SERVED A COPY OF THE ABOVE AND FOREGOING ENTRY UPON THE HONORABLE MIKE FULLER, DISTRICT ATTORNEY, BY PLACING A COPY OF SAME IN THE UNITED STATES MAIL, VIA THE CIRCUIT COURT CLERK OF PIKE COUNTY, ALABAMA, PIKE COUNTY COURTHOUSE ON THIS 14th DAY OF May 2005.

NOTARY Cathy R. Abernethy DONE THIS 14th DAY OF May 2005.
COMMISSION EXPIRATION DATE: My Commission Expires August 18, 2007

PETITIONER: Charles Johns
CHARLES JOHNS

State of Alabama Unified Judicial System Form C-80 Rev. 8/2000	ORDER ON INITIAL APPEARANCE	Case Number DC02-50+51
IN THE <u>District</u> COURT OF <u>Copper</u> , ALABAMA (Circuit, District or Municipality) (Name of County or Municipality)		
<input checked="" type="checkbox"/> STATE OF ALABAMA <input type="checkbox"/> MUNICIPALITY OF _____ v. <u>Charles Kevin Michael</u> <u>Charles Kevin Johns</u> Defendant		
The above-named defendant, charged with the criminal offense(s) of <u>Kidney Ist / Curry Consistent Way</u> was duly brought before the Court for initial appearance on <u>1-16-02</u> at <u>1:30</u> o'clock <u>pm</u> , whereupon the Court did the following, as checked in the appropriate blocks: (CHECK AS APPLICABLE):		
<input type="checkbox"/> 1. Name and address of defendant. <input checked="" type="checkbox"/> (a) Ascertained the true name and address of the defendant to be: <u>316 Johns St</u> <u>Prichard AL</u>		
<input checked="" type="checkbox"/> (b) Amended the formal charges to reflect defendant's true name. <input checked="" type="checkbox"/> (c) Instructed the defendant to notify the Court promptly of any change of address.		
<input checked="" type="checkbox"/> 2. Informed the defendant of the charges against him/her and ensured that the defendant was served with a copy of the charges.		
<input checked="" type="checkbox"/> 3. Informed the defendant of the right to be represented by counsel, that he/she would be afforded time and opportunity to retain an attorney, and further advised the defendant that, if he/she were indigent and unable to obtain counsel, an attorney would be appointed by the Court to represent him/her. Defendant <input type="checkbox"/> requested <input type="checkbox"/> did not request court-appointed counsel. If requested counsel, defendant <input type="checkbox"/> was <input type="checkbox"/> was not given a copy of the Affidavit of Substantial Hardship to complete in order for indigency to be determined.		
<input checked="" type="checkbox"/> 4. Informed the defendant that he/she had the right to remain silent and that anything that he/she said could be used against him/her.		
<input checked="" type="checkbox"/> 5. Bail <input type="checkbox"/> (a) Determined that the defendant shall not be released from custody since charged with a non-bailable capital offense. <input checked="" type="checkbox"/> (b) Determined that the defendant shall be released from custody pending further proceedings, subject to the mandatory conditions prescribed in Rule 7.3(a), A.R.Cr.P., and subject to the following additional conditions: 1.) Execution of an appearance bond (recognizance) in the amount of \$ _____ 2.) Execution of a secured appearance bond in the amount of \$ <u>250,000</u> 3.) Other conditions (specify) <u>50,000 of which must be cash</u>		
<input checked="" type="checkbox"/> 6. If charged with a felony offense, informed the defendant of right to demand a preliminary hearing under Rule 5.1, A.R.Cr.P., and of the procedure by which that right may be exercised.		
<input type="checkbox"/> 7. If charged with a felony offense a preliminary hearing was demanded with 30 days of date of arrest by the above named defendant, set a preliminary hearing to be held in the District Court of _____ at _____ (date) at _____ o'clock _____ <input checked="" type="checkbox"/> (a) Notified the District Court that such demand was made. <input checked="" type="checkbox"/> (b) Defendant made no demand for a preliminary hearing at the initial appearance hearing.		
5.18. Other: <u>A provided affidavit of hardship</u>		
Date <u>1-16-02</u>	Judge/Magistrate <u>S. L. B.</u>	



IN THE DISTRICT COURT OF
PIKE COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

vs.

CHARLES KELVIN MYHAND a/k/a
CHARLES KELVIN JOHNS,

Defendant.

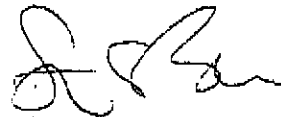
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CASE Nos. DC 2002-50
and DC 2002-51

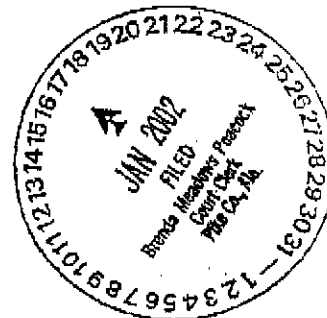
ORDER

Initial appearance hearing was this day held (see separate order). Cases are forwarded to the action of the Grand Jury unless demand for preliminary hearings are made within 30 days from date of Defendant's arrest. The Defendant was provided an Affidavit of Substantial Hardship. Notice shall issue to State and Defendant.

DONE THIS THE 16th day of January, 2002.



STEVEN E. BLAIR
DISTRICT JUDGE
By Special Assignment



Johns
SO

STATE OF ALABAMA
PIKE COUNTY

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of Ten Dollars and other valuable considerations to the undersigned grantors, SHERMAN JOHNS, a single man; CHARLES K. JOHNS, a single man; EFFIE J. JOHNSON, a married woman; THOMAS JOHNS, a single man; SCOTTIE JOHNS, a single man; and MALYNN JOHNS, a single woman, in hand paid by MITTIE LEE JOHNS and CHARLES JOHNS, the receipt whereof is hereby acknowledged, the undersigned do hereby grant, quitclaim and convey to the said MITTIE LEE JOHNS and CHARLES JOHNS, their heirs and assigns, all their right, title, interest and claim in and to the following described real estate, situated in Pike County, Alabama, to-wit:

One house and lot in the City of Brundidge, Alabama, described as follows: Commencing at the intersection of Waussau Place and Johns Street, said point being on the south side of Johns Street and the east side of Waussau Street; thence 195 feet East along Johns Street to a point, being the corner of the Henrietta Johns lot; thence Southeasterly 145 feet and along the Henrietta Johns lot to a point on the boundary of the S. N. Andress property; thence West along the boundary of the S. N. Andress property a distance of 200 feet, more or less, to Waussau Place; thence Northwesterly 155 feet, more or less, to the point of beginning.

Reference: Deed Book 15, page 405, and Deed Book 153, page 95.

The above-described property does not constitute the homestead of any of the grantors or their spouses except Charles K. Johns.

The grantors and grantees constitute all of the heirs at law and next of kin of Thomas K. Johns, who died in 1984.

This conveyance is made subject to the following:

1. All ad valorem taxes which may be due and payable.
2. The preparer of this instrument renders no opinion of the validity of the title, correctness of description, or value of the above described property.

TO HAVE AND TO HOLD the same unto the said MITTIE LEE JOHNS and CHARLES JOHNS, their heirs and assigns, forever.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals on this 4th day of December, 1990.

EXHIBIT (A) - 19-
-20-

Sherman Johns L.S.
SHERMAN JOHNS

Charles K. Johns L.S.
CHARLES K. JOHNS

Effie J. Johnson L.S.
EFFIE J. JOHNSON

Thomas L. Johns L.S.
THOMAS JOHNS

Scottie Johns L.S.
SCOTTIE JOHNS

Mae Linn Johns L.S.
MAE LINN JOHNS

STATE OF Alabama

COUNTY OF Pike

I, the undersigned Notary Public in and for said County and State, hereby certify that SHERMAN JOHNS, single man, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand, this 4th day of December, 1990.

[Signature]

Notary Public

STATE OF Alabama

COUNTY OF Pike

I, the undersigned Notary Public in and for said County and State, hereby certify that CHARLES K. JOHNS, single man, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand, this 4th day of December, 1990.

[Signature]

Notary Public

COUNTY OF Pike

I, the undersigned Notary Public in and for said County and State, hereby certify that EFFIE J. JOHNSON, a married woman, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand, this 4th day of December, 1990.

Joyce N. Eaton
Notary Public

STATE OF Alabama

COUNTY OF Montgomery

I, the undersigned Notary Public in and for said County and State, hereby certify that THOMAS JOHNS, a single man, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand, this 4th day of December, 1990.

Leresa A. Marry
Notary Public

STATE OF Alabama

COUNTY OF Montgomery

My commission expires January 18, 1994

I, the undersigned Notary Public in and for said County and State, hereby certify that SCOTTIE JOHNS, a single man, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand, this 4th day of December, 1990.

Leresa A. Marry
Notary Public

My commission expires January 18, 1994

STATE OF Alabama

COUNTY OF Montgomery, Pike

I, the undersigned Notary Public in and for said County and State, hereby certify that MALYNN JOHNS, a single woman, whose name is

signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand, this 4 day of December, 1990.

Arthur Brodson
Notary Public

THIS INSTRUMENT WAS PREPARED BY:
KEITH WATKINS, ATTORNEY
CALHOUN, FAULK, WATKINS, CLOWE & COX
Attorneys at Law
Troy, Alabama 36081

SEND TAX NOTICE TO:

(Name) _____
(Address) _____

B. 15 p. 40.5 Charlene M

B 153 P 95

*14.00
2.00

\$16.00

Pike County, Alabama
I hereby certify that the within instrument was filed in my office for record on 4 day of December, 1990 at 3:50 and that Deed

\$2.00
In Deed book 16
John A. Gibson

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ALABAMA JUDICIAL INFORMATION SYSTEM EXHIBIT C 27

* * * IN THE DISTRICT COURT OF PIKE COUNTY * * *

AGENCY NUMBER:

WARRANT NUMBERS: WR 2002 000018.00
OTHER CASE NBR:

C O M P L A I N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF PIKE COUNTY, ALABAMA, PERSONALLY APPEARED PEGGIE SCOTT WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT CHARLES KELVIN JOHNS DEFENDANT, WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT, DID WITHIN THE ABOVE NAMED COUNTY AND

DID ON OR ABOUT JANUARY 14, 2002, ABDUCT PEGGIE SCOTT, WITH THE INTENT TO:

USE HER FOR A SHIELD OR HOSTAGE, OF THE CODE OF ALABAMA.
IN VIOLATION OF 13A-006-043
AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

Peggie Scott
COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 15 DAY OF JANUARY, 2002.

Brenda M. Peacock
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: KIDNAPPING 1ST DEGREE 13A-006-043

F FELONY

WITNESS FOR THE STATE

PEGGIE SCOTT/

OPERATOR: BRP

DATE: 01/15/2002

WARRANT

Exhibit C

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STATE OF ALABAMA

PIKE COUNTY

DISTRICT COURT

AGENCY NUMBER:

WARRANT NUMBER: WF 2002 000019.00
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST CHARLES KELVIN JOHNS AND BRING
HIM/HER BEFORE THE DISTRICT COURT OF PIKE COUNTY TO ANSWER THE STATE
ON A CHARGE(S) OF:KIDNAPPING 1ST DEGREE CLASS: A TYPE: F COUNTS: 001
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE
DAY OF _____, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 15 DAY OF JANUARY, 2002.

BOND SET AT: (1) \$250,000.00 BOND TYPE: \$50,000.00 of bond must be cash.

Per Judge Steve Blair

Arrested Jan 14, 2002 pursuant to 15-10-3, Code
Alabama

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: KIDNAPPING 1ST DEGREE 13A-006-049

F FELONY

NAME: CHARLES KELVIN JOHNS
ADDRESS: 313 JOHNS ST
ADDRESS:
CITY: BRUNDIDGE

STATE: AL

ALIAS:
ALIAS:ZIP: 36010 0000
PHONE: 000 000 0000 EXT: 000

EMPLOYMENT:

DOB: 07/29/1960 RACE: B SEX: M
EYE: BRO HEIGHT: 6'01" WEIGHT: 225
SID: 000000000 SSN: 417940303

HAIR: SLK

EXECUTION

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

(X) PLACING DEFENDANT IN THE PIKE COUNTY JAIL

() RELEASING DEFENDANT ON APPEARANCE BOND

THIS

14

DAY OF

January

2002

SHERIFF

R. K. [Signature]

COMPLAINANT: PEGGIE SCOTT

OPERATOR: SFF

DATE: 01/15/2002

35

STATE OF ALABAMA,

PLAINTIFF,

VS.

CHARLES JOHNS,

DEFENDANT.

IN THE DISTRICT COURT OF

PIKE COUNTY, ALABAMA

CHARGE: KIDNAPPING

CASE NUMBER: DC-02-50

MOTION FOR PRELIMINARY HEARING

COMES NOW the Defendant, Charles Johns, by and through his undersigned counsel, and moves this Honorable Court to set this case for preliminary hearing on the next available calendar, at which time the Defendant demands that the State disclose the following:

1. The name and addresses of all witnesses against the Defendant;
2. The names and addresses of all witnesses known to the State having information exculpatory to the Defendant;
3. Copies of all written statements taken in the course of the investigation of said case by the State or any officer or agent acting in its behalf;
4. The substance of any and all oral statements made to the State, its officers, or agents in the course of the prosecution of this case; and,
5. The production of any and all other objects or things in the possession of the State or known or obtainable by it, its officers or agents, which would be exculpatory of the defendant or upon which the State intends to rely in the prosecution of this case.

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Respectfully submitted,

BRANTLEY & PARKER, L.L.C.

TKB

THOMAS K. BRANTLEY (BRA040)
ATTORNEY AT DEFENDENT
401 NORTH FOSTER STREET
DOTHAN, ALABAMA 36303
(334) 793-9009

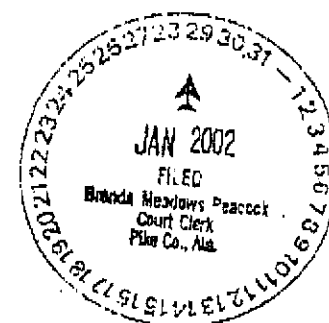


37

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing Motion upon Honorable Mark Fuller, District Attorney by placing a true and correct copy of same in the United States Mail P.O. Box 948, Troy, Alabama properly addressed and postage prepaid by placing a copy of same in, on this the 23 day of January, 2002.

ILB
OF COUNSEL



41

IN THE DISTRICT COURT OF
PIKE COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

vs.

CHARLES JOHNS,

Defendant.

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CASE NO. DC 2002-50
and DC 2002-51

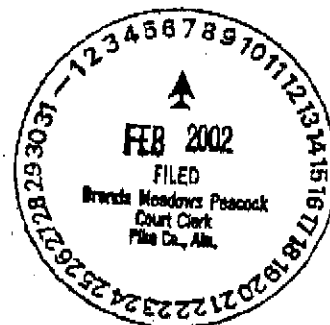
ORDER

Upon demand made, cases are hereby scheduled for preliminary hearings and bond reduction hearing on the 22nd day of February, 2002, at 3:00 o'clock p.m., in the Pike County Courthouse, Troy, Alabama. Notice shall issue to State and Hon. Thomas K. Brantley.

DONE THIS THE 4th day of February, 2002.



STEVEN E. BLAIR
DISTRICT JUDGE
By Special Assignment



DA
Atty. Brantley

42

IN THE DISTRICT COURT OF
PIKE COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

vs.

CHARLES JOHNS,

Defendant.

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CASE NO. DC 2002-50
and DC 2002-51

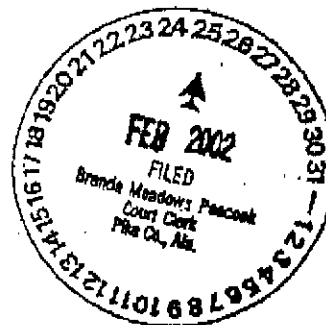
ORDER

By agreement, cases are hereby continued and rescheduled for preliminary hearings and bond reduction hearing on the 22nd day of March, 2002, at 3:00 o'clock p.m., in the Pike County Courthouse, Troy, Alabama. Notice shall issue to State and Hon. Thomas K. Brantley.

DONE THIS THE 22nd day of February, 2002.

Steven E. Blair

STEVEN E. BLAIR
DISTRICT JUDGE
By Special Assignment



Brantley

INDICTMENT

THE STATE OF ALABAMA
PIKE COUNTY

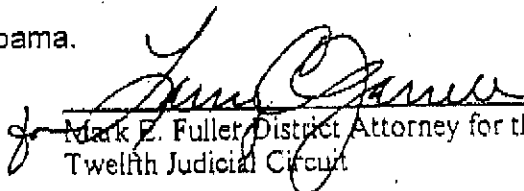
IN CIRCUIT COURT
MARCH TERM, 2002

The Grand Jury of said County charges that before the finding of this indictment that, CHARLES KELVIN JOHNS, ALIAS, CHARLES MYHAND, whose name is to the Grand Jury otherwise unknown, did abduct another person, to-wit: Peggy Scott, with the intent to use her as a shield or a hostage, in violation of Section 13A-6-43 of the Code of Alabama, Against the Peace and Dignity of the State of Alabama; and,

OFFENSE 2

The Grand Jury of said county charges that before the finding of this indictment that, CHARLES KELVIN JOHNS, ALIAS CHARLES MYHAND, whose name is otherwise unknown to the Grand Jury, did carry concealed about his person a, to-wit: .32 cal. revolver, in violation of Section 13A-11-50 of the Code of Alabama,

Against the Peace and Dignity of the State of Alabama.


Mark E. Fuller District Attorney for the
Twelfth Judicial Circuit

50

GRAND JURY NO. 02-013,014

A TRUE BILL

[Signature]
GRAND JURY FOREPERSON

Presented in open Court by the
Foreperson of the Grand Jury in the
presence of at least twelve other
members of the Grand Jury

Brenda M. Peacock, Clerk of the
Circuit Court of Pike County, Twelfth
Judicial Circuit of Alabama.

Filed this the 2002 day of

Bail in each offense in this indictment is
fixed at \$ 250,000.00 for a total bail
for this indictment of \$ 253,000.00

☐ Continuing bond

[Signature]
Judge Presiding

THE STATE OF ALABAMA

PIKE COUNTY

CIRCUIT COURT

MARCH TERM, 2002

THE STATE

VS.

CHARLES KELVIN JOHNS

ALIAS

CHARLES MYHAND

OFFENSE(S)

KIDNAPPING, FIRST DEGREE

OFFENSE 2

CARRYING A CONCEALED WEAPON

INDICTMENT

1 But I'm hopeful that by five we may have a
2 jury or be close to having a jury and have an
3 announcement. Maybe we can sort of end our work day
4 there.

5 Before you break up, however, what I would
6 like to do is announce Judge Blair's jury. And those
7 twelve will be able to go because, as you recall, my
8 jurors from my first case, Judge Barr's from his case
9 are eligible to serve in this case. But those twelve
10 on this jury will not.

11 So your instructions will be you can leave
12 and come back Wednesday morning at nine o'clock, Judge
13 Blair's. That's Brown. Okay. And if you'll stand
14 when your name is called.

15 (The clerk announces Judge Blair's jury.)

16 THE COURT: Okay. Are my instructions clear
17 enough that you twelve can go and come back Wednesday
18 morning at nine? Okay. You are excused.

19 The rest of you, if you will come back at
20 five o'clock.

21 (Jury venire not present.)

22 MR. MCALILEY: Your Honor, first of all, I'd
23 like the record to reflect we're out of the hearing
24 and presence of the jury venire. It's been brought to
25 the district attorney's attention that the defendant

DIXIE C. BOUTWELL
OFFICIAL COURT REPORTER

1 Mr. Charles Kelvin Johns may intend to offer testimony
2 evidence that pertains to the defendant Mr. Johns'
3 belief that Circuit Judge Bill Barr or his family --
4 Judge Barr's family and/or that Judge Don Dickert --
5 Judge Dickert, I believe, is the city judge of
6 Brundidge, Alabama; that he, in other words, Judge Don
7 Dickert or his family, are in some way responsible for
8 taking land from either the defendant Mr. Johns or the
9 defendant Mr. Johns' family.

10 The prosecution, again, has information that
11 would tend to show that Mr. Johns wishes to present
12 this evidence. It would be irrelevant. It would be
13 immaterial. The issues before this Court are very,
14 very simple; very concise.

15 They are, number one, whether the defendant
16 Charles Kelvin Johns abducted a person by the name of
17 Peggie Scott; and if so, whether he, Mr. Johns, at the
18 time intended to use Peggie Scott as a shield or a
19 hostage; and, number three, if he did those other two
20 things, whether he did so by using or threatening the
21 use of a deadly physical force.

22 Whether or not Judge Bill Barr or his family
23 and whether or not Judge Don Dickert or his family
24 were in some way responsible for taking land from the
25 defendant or the defendant's family is in no way

1 relevant. It's in no way material. And we ask that
2 the Court grant the State's motion in limine and
3 preclude this defendant from raising that either of
4 these families did these things.

5 MR. BRANTLEY: Judge, I've explained to
6 Charles over the months that allegations about these
7 individuals, Bill Barr and Don Dickert and Jimmy
8 Ramage, I think was one of them, that that's a
9 different forum for a different day. And, you know,
10 motion in limine here, of course, me being a defense
11 attorney, I object to anything and everything.

12 But I have explained to Charles actually
13 that it was my belief that allegations going into the
14 background of, you know, why he came here, especially
15 since our motion for our psychological studies came
16 back not in our favor left us pretty much unable to
17 proceed with a not guilty by reason of mental disease
18 plea.

19 But at any rate, I think I need to stop
20 short of not objecting or concurring, but just if the
21 Court will take note that I have discussed these
22 subjects with Mr. Charles Johns. And if the Court
23 would permit, I'd like for Charles to respond to that
24 now, have I not discussed it with him, and --

25 THE DEFENDANT: Yes.

15. Give the name and address, known, of each attorney who represented you at the following stages of the case that resulted in the judgment under attack:

(a) At preliminary hearing NO REPRESENTATION HEREIN WAS HELD

(b) At arraignment and plea THOMAS K. SCAMLEY, 401 N. FOSTER ST., DOWNS, ALA 36603

(c) At trial SAME AS ABOVE

(d) At sentencing SAME

(e) On appeal SAME AS FIRST ATTORNEY AFTER FILING BRIEF - CHARLES KELVIN JONES, 2500 ZELDA ROAD, SUITE 100-9, MONTGOMERY, ALA 36102

(f) In any post-conviction proceeding PERMANENTLY PROCEEDING PRO SE

(g) On appeal from adverse ruling in a post-conviction proceeding N/A

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes * No _____

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes _____ No *

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) And give date and length of sentence to be served in the future: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future? N/A

Yes _____ No _____

18. What date is this petition being mailed?

Wherefore, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

PETITIONER'S VERIFICATION UNDER OATH
SUBJECT TO PENALTY FOR PERJURY

I swear (or affirm) under penalty of perjury that the foregoing is true and correct.

Executed on May 14, 2005
(Date)

Charles Bohma

Signature of Petitioner VENTRESS CORRECTIONAL FAC
P. O. BOX 787
CLAYTON, AL 36016

SWORN TO AND SUBSCRIBED before me this the 14th day of May, 2005

Carolyn R. Abernethy
Notary Public

My Commission Expires August 18, 2007

OR *

ATTORNEY'S VERIFICATION UNDER OATH
SUBJECT TO PENALTY FOR PERJURY

I Swear (or affirm) under penalty of perjury that, upon information and belief, the foregoing is true

and correct. Executed on _____
(Date)

Signature of Petitioner's Attorney

SWORN TO AND SUBSCRIBED before me this the _____ day of _____, 20____

Notary Public

Name and address of attorney representing petitioner
in this proceeding (if any)

Case Number
CC 02-96-27
ID YR NUMBER
(To be completed
by Court Clerk)

IN FORMA PAUPERIS DECLARATION

ELEVENTH CIRCUIT IN AND FOR PIKE COUNTY ALABAMA
[Insert appropriate court]

CHARLES K. JOHNS 154434
(Petitioner)

vs.

STATE OF ALABAMA
(Respondent(s))

DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS

I, CHARLES K. JOHNS, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? Yes _____ No *
 - a. If the answer is "yes", state the amount of your salary or wages per month, and give the name and address of your employer.
0
 - b. If the answer is "no", state the date of last employment and the amount of the salary and wages per month which you received.
2002 1000 PER MONTH
2. Have you received within the past twelve months any money from any of the following sources?
 - a. Business, profession, or other form of self-employment?
Yes _____ No 0
 - b. Rent payments, interest, or dividends?
Yes _____ No 0
 - c. Pensions, annuities, or life insurance payments?
Yes _____ No 0
 - d. Gifts or inheritances?
Yes _____ No 0
 - e. Any other sources?
Yes _____ No 0

money and state the amount received from each during the past twelve months.

3. Do you own cash, or do you have money in a checking or savings account?

Yes _____ No X

(Include any funds in prison accounts.)

If the answer is "yes", state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes X No _____

If the answer is "yes", describe the property and state its approximate value.

HOUSE IN WHICH MY WIFE LIVES

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

WIFE + THREE CHILDREN - GRANT SUPPORT THEM IM IN PRISON

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on MAY 14, 2005
(Date)

Charles H. Jones 154434
Signature of Petitioner

CERTIFICATE

I hereby certify that the petitioner herein has the sum of \$ 10.60 on account to his credit at the institution where he is confined. I further certify that petitioner likewise has the foregoing securities to his credit according to the records of said Ventress institution:

Computed monthly balance stable

5/23/05 VENTRESS CORRECTIONAL FACILITY
DATE P.O. BOX 767
CLAYTON, AL 36016

[Signature]
AUTHORIZED OFFICER OF INSTITUTION

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
VENTRESS CORR FAC

AIS #: 154434

NAME: JOHNS, CHARLES KELVIN

AS OF: 05/23/2005

MONTH	# OF DAYS	AVG DAILY BALANCE	MONTHLY DEPOSITS
MAY	8	\$5.83	\$0.00
JUN	30	\$30.81	\$65.00
JUL	31	\$47.68	\$190.00
AUG	31	\$86.15	\$20.00
SEP	30	\$30.21	\$60.00
OCT	31	\$18.54	\$15.00
NOV	30	\$8.85	\$50.00
DEC	31	\$36.55	\$65.00
JAN	31	\$12.60	\$70.00
FEB	28	\$19.39	\$52.00
MAR	31	\$29.12	\$52.00
APR	30	\$30.84	\$58.00
MAY	23	\$11.78	\$32.00

State of Alabama
Unified Judicial SystemForm C-10
Page 1 of 2

Rev. 2/95

AFFIDAVIT OF SUBSTANTIAL
HARDSHIP AND ORDER

Case Number

CC02-96-97

IN THE ELEVENTH CIRCUIT COURT OF PIKE COUNTY, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)STYLE OF CASE: CHARLES K. JOHNS #154434 v. STATE OF ALABAMA
Plaintiff(s) Defendant(s)TYPE OF PROCEEDING: CRIMINAL CHARGE(s) (if applicable): _____☐ CIVIL CASE-- I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.☐ CIVIL CASE-- (such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that the court appoint one for me.☒ CRIMINAL CASE-- I am financially unable to hire an attorney and request that the court appoint one for me.☐ DELINQUENCY/NEED OF SUPERVISION-- I am financially unable to hire an attorney and request that the court appoint one for my child/me.

AFFIDAVIT

SECTION I.

1. IDENTIFICATION

Full name CHARLES K. JOHNS 154434 Date of birth 7/29/60Spouse's full name (if married) CHARLENE L. JOHNSComplete home address 316 JOHNS STREET BRUNICEDY, ALABAMA 36620Number of people living in household THREEHome telephone number 234-735-2269Occupation/Job Q Length of employment QDriver's license number 4713652 Social Security Number 417-94-0303Employer Q Employer's telephone number QEmployer's address Q

2. ASSISTANCE BENEFITS

Do you or anyone residing in your household receive benefits from any of the following sources? (If so, please check those which apply.)

☐ AFDC ☒ Food Stamps ☐ SSI ☐ Medicaid ☐ Other _____

3. INCOME/EXPENSE STATEMENT

Monthly Gross Income:

Monthly Gross Income

Spouse's Monthly Gross Income (unless a marital offense)

Other Earnings: Commissions, Bonuses, Interest Income, etc.

Contributions from Other People Living in Household

Unemployment/Workmen's Compensation,

Social Security, Retirements, etc.

Other Income (be specific) _____

TOTAL MONTHLY GROSS INCOME

\$ Q

_____\$ Q

Monthly Expenses:

A. Living Expenses

Rent/Mortgage

Total Utilities: Gas, Electricity, Water, etc.

Food

Clothing

Health Care/Medical

Insurance

Car Payment(s)/Transportation Expenses

Loan Payment(s)

\$ Q

OPTIONAL

Form C-10 Page 2 of 2 Rev. 2/95

AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER

Monthly Expenses: (cont'd page 1)

Credit Card Payment(s)

Educational/Employment Expenses

Other Expenses (be specific)

Sub-Total

A \$

B. Child Support Payment(s)/Alimony

\$ 310 Mo.

Sub-Total

B \$ 310

C. Exceptional Expenses

\$

TOTAL MONTHLY EXPENSES (add subtotals from A & B monthly only)

\$ 310

Total Gross Monthly Income Less total monthly expenses:

DISPOSABLE MONTHLY INCOME

\$

4. LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit)

\$

Equity in Real Estate (value of property less what you owe)

\$

Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe)

\$

Other (be specific)

Do you own anything else of value? ☐ Yes ☒ No

(land, house, boat, TV, stereo, jewelry)

\$

If so, describe

TOTAL LIQUID ASSETS

\$

5. Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

14th day of MAY, 2005

Charles K. Johns #154474
Affiant's Signature

Judge/Clerk/Notary

Charles K. Johns
Print or Type Name

ORDER OF COURT

SECTION II.

IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS:

☐ Affiant is not indigent and request is DENIED.

☐ Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ toward the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows:

☒ Affiant is indigent and request is GRANTED.

☒ The prepayment of docket fees is waived.

IT IS FURTHER ORDERED AND ADJUDGED that _____ is hereby appointed as counsel to represent affiant.

IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the court and paid to the appointed counsel, and costs of court.

Done this 26th day of May, 2005

Thomas E. Ward
Judge